

REMARKS/ARGUMENTS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

I. Status of the Claims

Claims 1-20 are currently pending. Claims 3-18 are withdrawn. Claim 1 has been amended. Claim 20 has been added. No new matter has been added by way of amendment or addition.

II. Rejection under 35 U.S.C. § 102(b)

Claims 1 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Diaz (U.S. Pat. No. 5,139,163). Applicant respectfully traverses the rejection. It is respectfully submitted that Diaz does not anticipate the presently claimed invention.

Applicants submit that in order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claimed invention. *Dana Corp. v. Am. Axle & Mfg., Inc.*, 61 USPQ 2d 1609 (Fed. Cir. 2002). It follows that if a reference does not disclose a limitation of the claims, it cannot be said to anticipate the claim. As amended, claim 1 recites:

[A]n outer-perimeter part being an elastic material to expand and contract and is disposed on an outer perimeter of said seal face part, said outer-perimeter part having a cross-sectional composition that is configured and arranged to couple with a recess below a seam part of said container.

Support for this amendment can be found in at least paragraph [0048] and FIGS. 6A-6D of the Pre-grant Publication U.S. 2006/0060584.

Diaz teaches gripping means consisting of an inner lip 36 that is the “same basic shape of the can 26 except slightly smaller.” The inner lip 36 is snap fit on the can by using gentle force. *See* Diaz, col. 4, lines 28-36. Diaz is silent as to having an outer-perimeter having a cross-sectional area

that is configured to engage a recess of the can. Instead, the inner lip 36 of Diaz simply wraps around the top of the can. Thus, Diaz does not teach an outer-perimeter part having a cross-sectional composition that is configured and arranged to couple with a recess.

Based on the above, Applicant submits that claim 1 as amended is not anticipated by Diaz. Claim 19 depends from claim 2 and is allowable based at least on the argument above. Applicant respectfully requests that the rejection be withdrawn.

III. Rejection under 35 U.S.C. § 103(a)

Claim 2 is rejected as being obvious over Diaz as applied to claim 1 above, in view of Deline (U.S. Pat. No. 4,708,257). Applicant respectfully traverses the rejection.

Deline is directed to a protective seal for a can. The seal is in the form of a “thin film adapted to cover the top of the can to prevent contamination of the top surface” (Deline, col. 1, lines 5-10). Deline teaches that the sealing means requires an additional step such as using an adhesive. *See* Deline, col. 2, lines 9-16. Deline does not teach or suggest an outer-perimeter part having a cross-sectional area that is configured and arranged to couple to a recess of a can.

Therefore, neither Diaz nor Deline, alone or in combination, teach or suggest the features of claim 1. For at least these reasons, claim 1 as well as claim 2, which depends therefrom, are patentable over the cited references. Applicant respectfully requests that the rejection be withdrawn.

IV. New Claim 20

New claim 20 recites the elements of an “outer-perimeter part having a cross-sectional compositional shape that is hook-like.” As discussed, neither Diaz nor Deline teach or suggest an outer-perimeter part having a cross-sectional shape that is configured to engage a recess of the container. Moreover, neither Diaz nor Deline teach or suggest that this cross-sectional shape is hook-like. Furthermore, claim 20 also depends from claim 1 which is allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes the pending application is in condition for allowance.

If the Examiner believes that any remaining issues can be resolved by a Supplemental or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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